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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,963	08/02/2001	Yoshihiro Chikami	401232/MIURA	2611
23548	7590	03/03/2005		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER	
			GEORGE, KONATA M	
			ART UNIT	PAPER NUMBER
			1616	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/857,963	CHIKAMI ET AL.	
	Examiner	Art Unit	
	Konata M. George	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claims 17-30 are pending in this application.

Action Summary

1. Examiner acknowledges the cancellation of claims 1-16. Therefore, any and all objections and rejections directed towards those claims are hereby withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadao et al. (JP 10-118557).

Tadao et al. discloses a method of coating particles comprising a resin solution.

The resin in the resin solution is thermoplastic and can be polyolefin such as polyethylene, polypropylene, etc. [0014]. Paragraph [0015] teaches that inorganic filler represented by talc may be employed in the resin solution. Paragraph [0020] teach the particles to be coated are fertilizers, pesticide, microbicide, etc. Paragraph [0025] teaches a coating solution for a fertilizer wherein the solvent used in the coating liquid is an organic solvent such as toluene. Figure 1 of the claimed invention discloses a method of coating a particle using a coating apparatus whereby the coated particle is

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dried using an air heater (12). The prior art does not teach after the degassing process that the concentration of the volatile substances are 500 ppm or less.

It is the position of the examiner that it would have been obvious to one of ordinary skill in the art that when degassing or by allowing the coated particle to air-dry and then apply heat, the concentration of the volatile substances will be greatly reduced to ppm below 500 and in fact it can even be 0. Therefore, the reference meets the second step of the process.

3. Claims 17-27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama et al. (US 4,851,027).

Murayama et al. discloses a coated fertilizer composition. Column 2, lines 40-54 discloses coating a solid fertilizer with a coating material comprising a resin. It is also taught that the coating material is a mixture of the resin, a film forming aid, etc. The resin as described in column 4, lines 40-68 are copolymers selected from several species of monomers of which olefin compounds are one. Column 4, lines 29-36 teaches a method of producing the particles by spray coating the particles followed by subjecting the coated fertilizer to heat treatment. The prior art does not teach the degassing process that the concentration of the volatile substances are 500 ppm or less.

It is the position of the examiner that it would have been obvious to one of ordinary skill in the art that when degassing or by allowing the coated particle to air-dry and then apply heat, the concentration of the volatile substances will be greatly reduced

to ppm below 500 and in fact it can even be 0. Therefore, the reference meets the second step of the process.

Response to Arguments

4. Applicant's arguments filed September 9, 2004 have been fully considered but they are not persuasive.

Applicants' argue that the prior art does not teach a degas process as claimed by applicant. Examiner disagrees. The applicant has amended the claims to incorporate a process of degassing the coated particles to remove the volatile substances. It is taught in the prior art as described above to subject the coated particle to various heat treatments to coat the particles. It is the position of the examiner that the volatile solvents would be contained in concentrations below 500 ppm as the heat evaporates the volatile substances. The process is merely applying heat to the particles so all other limitations would be obvious.

Conclusion

5. Claims 17-30 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is (571) 272-0613. The examiner can normally be reached from 8AM to 6:30PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached at (571) 272-0887. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Konata M. George

Gary d. Kunz
GARY KUNZ
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